



W.P(MD)No.4666 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4666 of 2024

S.Suganya

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Palani,
Dindigul District.

2.The Co-operative Societies Sub-Registrar /Field Officer,
Office of the Co-operative Societies Sub-Registrar,
Palani,
Dindigul District.

3.The Secretary,
DD 557, Balasamudram Primary
Agricultural Co-operative Credit Society,
Balasamuthram Post,
Palani Taluk,
Dindigul District-624 610.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent herein to give the exact details of the outstanding loan of the petitioners husband Mr. Sethuramachandran and give assurance that they will hand over the original Partition Deed vide Doc. No.634 of 2002 dated 06.06.2002 to the petitioner on payment of the outstanding loan amount and also to execute discharge receipt



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for the mortgage executed by the petitioner's husband.

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For Petitioner : Mr.K.Porkodi Karnan
for M/s.Polax Legal Solutions

For Respondents : Mr.K.Selva Ganesan
Additional Government Pleader

ORDER

Heard both sides.

2. Thiru.Sethuramachandran, husband of the petitioner availed loan from the third respondent. He had mortgaged the petition mentioned title deeds. Sethuramachandran passed away in the year 2020. The case of the petitioner is that all along, they were willing to clear the mortgage liability. Since the cooperative society was not in a position to return the documents, they could not clear the loan liability. In these circumstances, the present writ petition came to be filed.

3. The learned counsel for the third respondent concedes before this Court that the original documents are missing. I called upon the parties to arrive at the terms of the settlement. Talks could not succeed.



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4. In these circumstances, the writ petition is disposed of in the following

terms:-

(I) The third respondent shall send a communication to the petitioner within one weeks from the date of receipt of a copy of this order. According to the third respondent, the amount payable by the petitioner is Rs.18,86,937/-. The petitioner states that she will pay the said amount on or before 30.06.2024. The petitioner need not pay interest for the period because the respondents lost the original document deposited by the petitioner's husband. If the petitioner is unable to pay the amount on or before 30.06.2024, interests liability will start accruing with effect from 01.07.2024 till the amount is paid.

If the petitioner pays the aforesaid amount, the third respondent will execute the discharge receipt before the SRO, Palani within a week thereafter.

(II) The petitioner is permitted to apply for the certified copy of the partition deed dated 25.10.2012 (Document No.2663 of 2012 on the file of the SRO, Palani). The registering authority shall issue the certified copy and on the said certified copy, the registering authority will make an endorsement that it is being issued pursuant to the order



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of this Court and that the particular certified copy shall be treated as the original title deed for all purposes. The petitioner is entitled to register the non-traceable certificate to be issued by the third respondent as well as the order of this Court in this writ petition.

5. The Writ Petition is disposed of accordingly. No costs.

02.04.2024

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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